

AMENDING THE VOLUNTEERS IN THE PARKS ACT OF 1969, AND FOR OTHER PURPOSES

AUGUST 4 (legislative day, AUGUST 1), 1983.—Ordered to be printed

Mr. McCLURE, from the Committee on Energy and Natural Resources,
submitted the following

REPORT

[To accompany S. 864]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 864) to amend the Volunteers in the Parks Act of 1969, and for other purposes, having considered the same, reports favorably thereon with an amendment to the text and recommends that the bill as amended do pass.

The amendment is as follows:

On page 1, after line 6, add the following new section 2 as follows:

SEC. 2. Section 307 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2766; 43 U.S.C. 1737) is amended by adding at the end thereof the following new subsections:

“(d) The Secretary may recruit, without regard to the civil service classification laws, rules or regulations, the services of individuals contributed without compensation as volunteers for aiding in or facilitating the activities administered by the Secretary through the Bureau of Land Management.

“(e) In accepting such services of individuals as volunteers, the Secretary—

“(1) shall not permit the use of volunteers in hazardous duty or law enforcement work, or in policymaking processes or to displace any employee; and

“(2) may provide for services or costs incidental to the utilization of volunteers, including transportation, supplies, lodging, subsistence, recruiting, training, and supervision.

"(f) Volunteers shall not be deemed employees of the United States except for the purposes of the tort claims provisions of title 28, United States Code, and subchapter 1 of chapter 81 of title 5, United States Code, relating to compensation for work injuries."

PURPOSE OF THE MEASURE

The purpose of S. 864, as reported, are (1) to delete the annual limitation on appropriations in Public Law 91-357, and (2) to amend the Federal Land Policy and Management Act of 1976 to provide supplemental authorization to the Secretary of the Interior to allow the Bureau of Land Management to recruit volunteers, pay incidental costs, and define the status of volunteers under Federal employment.

BACKGROUND AND NEED

The Volunteers in the Parks Act of 1969 authorized the acceptance of volunteer services of individuals without compensation for or in aid of interpretive functions, or other visitor services or activities in and related to areas administered by the National Park Service. Under the act, the National Park Service provides incidental transportation, uniforms, lodging, and subsistence, and the volunteer citizen is protected from tort claims and work injuries. The volunteer program provides another successful and cost-effective alternative in accomplishing needed work for the National Park Service.

As originally enacted in 1970, the act limited appropriations to carry out its provisions to \$100,000 per year. This limitation was increased by the act of November 13, 1975, to \$250,000 per year. The amendment proposed by S. 864 would strike out the annual limitation altogether. In this way the authorities in the act can be used as an integral part of overall park operations. Thus, a park manager would be able to budget expenses for volunteer support in the same manner as costs of salaries, travel, utilities, fuel, and other normal costs of operating and managing a park area are budgeted. The current ceiling of \$250,000 per year not only limits the number of volunteers whose services can be accepted, but also requires a separate accounting system, distinct from normal operating costs. Congress removed the annual appropriation ceiling applicable to the volunteers in the national forests program in 1978.

Congress already has provided authority to the Secretary of the Interior to use volunteer services in aid of the work of two Interior agencies, and to pay expenses incidental to accepting these contributed services. The authority was provided for the National Park Service in the Volunteers in the Park Act of 1969 (84 Stat. 472; 16 U.S.C. 18 g-j), and for the U.S. Fish and Wildlife Service in the Fish and Wildlife Improvement Act of 1978 (92 Stat. 3112; 16 U.S.C. 742f). In addition, comparable authority was provided to the U.S. Forest Service in the Volunteers in the National Forests Act of 1972 (86 Stat. 147; 16 U.S.C. 558a-d). Similar authority would facilitate and enhance the work of the Bureau of Land Management in managing, protecting, and developing the public lands.

While section 307 of the Federal Land Policy and Management Act of 1976 authorizes acceptance of services contributed to BLM by volunteers, legislation is needed to supplement that basic authority.

LEGISLATIVE HISTORY

S. 864 was introduced on March 18, 1983. The Public Lands and Reserved Water Subcommittee received testimony on S. 864 at a hearing on June 27, 1983. The administration supports the enactment of S. 864. At a business session on July 21, 1983, the Senate Committee on Energy and Natural Resources ordered S. 864 as amended favorably reported.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources in an open business session on July 21, 1983, by a unanimous voice vote of a quorum present recommends the Senate pass S. 864 if amended, as described herein.

COMMITTEE AMENDMENT

The committee adopted an amendment that provides supplemental authority to the Secretary of the Interior to allow BLM to provide for payment to volunteers for incidental expenses and to clarify the status of volunteers under Federal employment laws.

Congress has provided authority to the Secretary of the Interior to use volunteer services in aid of the work of two agencies in the Department, and to pay expenses incidental to accepting these contributed services. This authority was provided for the National Park Service in the Volunteers in the Parks Act of 1969 (84 Stat. 472; 16 U.S.C. 18g-i), and for the U.S. Fish and Wildlife Service in the Fish and Wildlife Improvement Act of 1978 (92 Stat. 3112; 16 U.S.C. 742F). In addition, comparable authority was provided to the U.S. Forest Service in the Volunteers in the National Forests Act of 1972 (86 Stat. 147; 16 U.S.C. 558a-d). The committee believes that similar authority will greatly facilitate and enhance the work of the Bureau of Land Management in managing, and developing the public lands.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., July 25, 1983.

HON. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S. 864, a bill to amend the Volunteers in the Parks Act of 1969, and for other purposes, as ordered reported by the Senate Committee on Energy and Natural Resources, July 21, 1983.

The bill lifts the authorization ceiling of \$250,000 per year for payments by the National Park Service to volunteers for transportation, lodging, and incidental expenditures. In recent years expenditures for this activity have been approximately \$500,000 per year. Removal of the ceiling is therefore not expected to significantly affect Federal spending.

The bill also provides statutory authority for the Bureau of Land Management (BLM) to utilize volunteers and pay for expenses associated with the use of volunteers. Based on information from the BLM, it is estimated that enactment of this provision will cost the Federal Government approximately \$30,000 per year.

No costs will be incurred by State or local governments as a result of enactment of this legislation.

Should the committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

NANCY M. GORDON
(For Alice M. Rivlin, Director).

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of the rule XXVI of the Standing Rules of the Senate, the committee makes the following evaluation of the regulatory impact which would be incurred in carrying out the provisions of S. 864 as reported.

S. 864 would amend the Volunteers in the Parks Act and extend additional authority to the Secretary of the Interior to allow BLM to fully participate in a volunteer program. S. 864 is not a regulatory measure in the sense of imposing Government established standards or significant economic responsibilities on private individuals and businesses.

Minimal personal information would be collected in administering the program. Little, if any, additional paperwork would result from the enactment of S. 864.

EXECUTIVE COMMUNICATIONS

The pertinent legislative reports and communications received by the committee from the Department of the Interior and the Office of Management and Budget setting forth executive-agency recommendations relating to S. 864 and S. 1543 (identical to the committee amendment) are set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 13, 1983.

HON. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for our views on S. 864, a bill "To amend the Volunteers in the Parks Act of 1969, and for other purposes."

We recommend enactment of S. 864, which is identical to proposed legislation submitted by the Department to the Congress on February 22, 1983.

The Volunteers in the Parks Act of 1969 authorized the acceptance of volunteer services of individuals without compensation for or in aid of interpretive functions, or other visitor services or activities in and related to areas administered by the National Park Service. Under the act, the National Park Service provides incidental transportation, uniforms, lodging, and subsistence, and the volunteer citizen is protected from tort claims and work injuries. The program provides one of the most successful and cost-effective ways of accomplishing needed work available to the National Park Service.

As originally enacted on July 29, 1979 (Public Law 91-357; 84 Stat. 472), the act limited appropriations to carry out its provisions to \$100,000 per year. This limitation was increased by the act of November 13, 1975 (Public Law 94-128; 89 Stat. 682), to \$250,000 per year. S. 864 would strike out the annual limitation in order to permit the authorities in the act to be used as an integral part of overall park operations. Thus, a park manager would be able to budget expenses for volunteer support in the same manner as costs of salaries, travel, utilities, fuel, and other normal costs of operating and managing a park area are budgeted. The current ceiling of \$250,000 per year not only limits the number of volunteers whose services can be accepted, but also requires a separate accounting system, distinct from normal operating costs, which we believe is unnecessary. We note that the Congress removed the annual appropriation ceiling applicable to the Volunteers in the National Forests program in 1978 (Public Law 95-289; 92 Stat. 289). The same action should be taken with respect to the parallel program in the national park.

Thosuands of people have contributed their time and talent to help the National Park Service accomplish its mission. In fiscal year 1981 alone, 8,326 individual volunteers contributed more than 535,000 hours of work, valued at about \$4 million. This represents a 28 percent increase in the numbers of volunteers over fiscal year 1980, and a similar or higher rate of increase appears to have continued in fiscal year 1982. Presently, the National Park Service receives approximately \$16 worth of voluntary work from every \$1 spent on the program. Enactment of S. 864 would permit the National Park Service to make further use of this highly cost-effective program.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

G. RAY ARNETT,
Assistant Secretary.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., July 14, 1983.

HON. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to the committee's request for the views of this Office on S. 1543, "To amend the Federal Land Policy

and Management Act of 1976, relating to the authority of the Secretary of the Interior to accept volunteer services in aid of the work of the Bureau of Land Management, and for other purposes."

The purpose of the bill, which was originally proposed by the Department of the Interior, is to allow the Department to compensate volunteers contributing their services to the Bureau of Land Management for their incidental expenses, and to clarify the status of such volunteers under laws governing Federal employees.

There is no objection from the standpoint of the administration's program to enactment of S. 1543.

Sincerely,

JAMES M. FREY,
Assistant Director for Legislative Reference.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the committee notes the following changes in existing law which would be made by the bill S. 864 as reported. (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman.)

SECTION 4 OF THE ACT OF JULY 29, 1970

An Act to authorize the Secretary of the Interior to establish a volunteers in the park program and for other purposes.

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SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. [but not more than \$100,000 shall be appropriated in any one year.]

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SECTION 307 OF THE ACT OF OCTOBER 21, 1976

An Act to establish public land policy; to establish guidelines for its administration; to provide for the management, protection, development, and enhancement of the public lands; and for other purposes.

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STUDIES, COOPERATIVE AGREEMENTS, AND CONTRIBUTIONS

SEC. 307. (a) The Secretary may conduct investigations, studies, and experiments, on his own initiative or in cooperation with others, involving the management, protection, development, acquisition, and conveying of the public lands.

(b) Subject to the provisions of applicable law, the Secretary may enter into contracts and cooperative agreements involving the management, protection, development, and sale of public lands.

(c) The Secretary may accept contributions or donations of money, services, and property, real, personal, or mixed, for the management, protection, development, acquisition and conveying of the public lands,

including the acquisition of rights-of-way for such purposes. He may accept contributions for cadastral surveying performed on federally controlled or intermingled lands. Moneys received hereunder shall be credited to a separate account in the Treasury and are hereby authorized to be appropriated and made available until expended, as the Secretary may direct, for payment of expenses incident to the function toward the administration of which the contributions were made and for refunds to depositors of amounts contributed by them in specific instances where contributions are in excess of their share of the cost.

(d) The Secretary may recruit, without regard to the civil service classification laws, rules or regulations, the services of individuals contributed without compensation as volunteers for aiding in or facilitating the activities administered by the Secretary through the Bureau of Land Management.

(e) In accepting such services of individuals as volunteers, the Secretary—

(1) shall not permit the use of volunteers in hazardous duty or law enforcement work, or in policymaking processes or to displace any employee; and

(2) may provide for services or costs incidental to the utilization of volunteers, including transportation, supplies, lodging, subsistence, recruiting, training, and supervision.

(f) Volunteers shall not be deemed employees of the United States except for the purposes of the tort claims provisions of title 28, United States Code, and subchapter 1 of chapter 81 of title 5, United States Code, relating to compensation for work injuries.

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